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UCT 28 2009

TONY R. MOUNT ULERK

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

ALIEX P. PAPPILLION

DOCKET NO. 07 cv 2162

VS.

JUDGE TRIMBLE

DON DIXON, ET AL.

MAGISTRATE JUDGE KIRK

JUDGMENT

:

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

ORDERED that plaintiff's civil rights complaint against Chief Don Dixon, Dayton Cook, Rebecca Lynn Wilson, and Franklin Fondel be **DISMISSED**. **WITH PREJUDICE** as frivolous and for failing to state a claim on which relief may be granted in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

IT IS FURTHER ORDERED that plaintiff's excessive force claims against defendants

Jeffrey Atkinson and Mitchell D. Sawyer should be **DISMISSED WITHOUT PREJUDICE**until the pending criminal case has run its course.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 28 day of 0 the , 2009.

JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE